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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,919	04/16/2004	Reiko Ogura	075834.00486	8921
33448	7590	01/08/2009	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN ROCKEY, DEPKE & LYONS, LLC SUITE 5450 SEARS TOWER CHICAGO, IL 60606-6306			TRINH, THANH TRUC	
			ART UNIT	PAPER NUMBER
			1795	
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			01/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,919

Applicant(s)

OGURA, REIKO

Examiner

THANH-TRUC TRINH

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/2008 has been entered.

Remark

2. Claims 1-2 and 4-13 are pending in the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-2 and 4-10 and 12-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As amended, claims 1 , 10 and 12-13 recite the limitations "inject electrolytic solution that has been dropped between the center and the opened portion into said electrolytic solution container" in lines 7-9, and "the electrolytic solution traveling through the opened portion into the electrolytic solution container by the operation of centrifugal force" in lines 9-11. There is no support for these limitations in the originally filed disclosure. Applicant's specification only describes the electrolytic solution is dropped to the opened portion of the electrolytic solution containing vessel as seen in last paragraph of page 5 in Applicant's specification, or the first paragraph of page 17. There is nothing in the specification describing the exact location such as between the center and the opened portion. Similarly, Applicant's specification describes the centrifugal force is applied in such a manner that at least a force in the direction from the opened portion toward the inside of the electrolytic solution containing vessel is exerted on the electrolytic solution as in last paragraph of page 5. There is nothing indicating the electrolytic solution traveling through the opened portion into the electrolytic solution container by the operation of centrifugal force. "Dropped to the opened portion of the electrolytic solution containing vessel" is not the same as "dropped between the center and the opened portion into said electrolytic solution container."

As amended, claims 10-13 recite the limitations "dropping electrolytic solution to a location between the center and the opening of the electrolytic solution container while rotating said turntable about said center" in lines 8-10, and "the electrolytic solution traveling through the opening into the electrolytic solution container by operation of centrifugal force." Again, there is no support for these limitations in the originally filed

disclosure. There is nothing in Applicant's specification indicating the location of dropping the electrolytic solution, dropping the solution while rotating the turntable, or the electrolytic solution traveling through the opening into the electrolytic solution container by operation of centrifugal force.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. See, e.g., *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. The fact that arguing "dropped to one end portion 4a of the electrolytic solution container and the container is secured to the turntable" is the same to "dropped between the center and the opening of the vessel while the turntable is rotated" does not demonstrate the inventor had possession of such invention at the time the application was filed, because the languages are clearly describing two different methods. Obviousness is not the standard of support under 35 U.S.C. 112, 1st paragraph.

Claims 2, 4-9 are rejected on the same ground.

Double Patenting

5. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11. When two claims in an application are duplicates or else are so close in

content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

'Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US Patent 5730192)

Regarding claims 1 and 13, as seen in Figures 4-10, Park teaches a method of injecting an electrolytic solution (70) into an electrolytic solution containing vessel (or battery case 60) of which a portion (the upper portion of the battery case 60 for injecting the electrolytic solution) is opened, wherein the injection is conducted by utilizing a

centrifugal force. (See col. 2 line 62 to col. 4 line 29; col. 6 line 12 to col. 8 line 40). Park also teaches injecting the electrolytic solution (70) to the opened portion of the electrolytic solution containing vessel (60) by filling port (220); fixing the electrolytic solution containing vessel on a turntable (body 230) rotatable about a predetermined center so that the opened portion is directed toward the center (as seen in Figures 6 and 9 as the filling port 220 facing the center); and rotating the turntable about the center, to thereby inject said electrolytic solution into the electrolytic solution containing vessel (60). (See col. 2 line 62 to col. 4 line 29; col. 6 line 12 to col. 8 line 40). Since Park teaches utilizing centrifugal force and the filling port 220 facing the center of the turntable (as seen in Figures 6 and 10), wherein the electrolyte feeding apparatus (240) injects electrolyte by way of the filling port (as seen in Figures 5, 8 and 10); therefore it would have been obvious to one skilled in the art to recognize that Park teaches rotating the turntable about the center (as shown by the arrow in Figures 6 and 9), and the apparatus of Park injects the electrolytic solution that has been dropped between the center and the opened portion into the electrolytic solution container (such as battery case 60) while rotating the turntable about the center, and the electrolytic solution traveling through the opened portion into the electrolytic container by the operation of centrifugal force.

Regarding claim 2, as seen in Figures 4-10, Park further describes the steps of dropping the electrolytic solution (70) to the opened portion (the upper portion of the battery case 60 as seen in Figure 10) of the electrolytic solution containing vessel (60); and applying the centrifugal force in such a manner that at least a force in the direction

from the opened portion toward the inside of the electrolytic solution containing vessel is exerted on the electrolytic solution. (See col. 2 line 62 to col. 4 line 29; col. 6 line 12 to col. 8 line 40)

7. Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of either Yamanaka et al. (US Application Publication 20010004901) or Mikoshiba et al. (US Patent 6384321)

Park teaches a method of injecting an electrolytic solution into an electrolytic solution containing vessel as described in claim 1.

The difference between Park and the instant claims is the requirements of the electrolytic solution containing vessel such as having rectangular in shape; an internal size in one direction of a section of the electrolytic solution containing vessel is in the ranges of 1 to 200 μm , 10 to 200 μm , and 20 to 150 μm .

With respect to claims 4-6 and 9, as seen in Figures 1-4 and 9-10, Yamanaka et al. teaches a solar cell battery with a rectangular compartment bordered by a glass frit 7 and electrodes 4 and 8, wherein the height of the compartment, or an internal size in one direction of a section of the electrolytic solution containing vessel, is found to be 2.1-70 μm by adding the diameter of 2-20 μm of the glass beads 9 and the thickness of 0.1-50 μm of the semiconductor layer 5. (See paragraphs 0039, 0077 and 0088-0096)

With respect to claim 9, Mikoshiba et al. also teaches the container have rectangular shape (See Figure 1)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Park by using an electrolytic solution containing vessel with a shape and an internal size as taught by Yamanaka et al. or rectangular container as taught by Mikoshiba et al., because a simple substitution of one known element (Park's battery case) for another (Yamanaka et al.'s rectangular electrolytic solution containing vessel or compartment) would achieve the predictable result of injecting electrolytic solution into an electrolytic solution containing vessel.

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of McEwen et al. (US Patent 5965054).

Park teaches a method of injecting an electrolytic solution into an electrolytic solution containing vessel as described in claim 1.

Park does not teach the viscosity of the electrolytic solution being not more than 20 or 10 cp.

McEwen et al. teaches an electrolytic solution used in batteries, photovoltaic devices having viscosity of 0.59 cP. (See col. 5 lines 18-26), wherein the viscosity of the solution is mainly the viscosity of the solvent (See table 1). McEwen et al. also teaches the viscosity can be lowered by adding low viscosity agents (See col. 3 lines 11-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the electrolytic solution taught by McEwen et al. in the method of Park, because McEwen et al. teaches this electrolytic solution would be

useful in electrical storage device such as batteries or photovoltaic devices by providing a high conductivity. (See the Summary of McEwen et al.).

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Yamanaka et al. (US Application Publication 20010004901).

Regarding claims 10-12, Park teaches a method of injecting an electrolytic solution (70) into an electrolytic solution containing vessel (or battery case 60) of which a portion (the upper portion of the battery case 60 for injecting the electrolytic solution) is opened, wherein the method is conducted by rotating body (230) to utilize a centrifugal force. (See col. 2 line 62 to col. 4 line 29; col. 6 line 12 to col. 8 line 40). Park also teaches injecting the electrolytic solution (70) to the opened portion of the electrolytic solution containing vessel (60) by filling port (220); fixing the electrolytic solution containing vessel on a turntable (body 230) rotatable about a predetermined center so that the opened portion is directed toward the center (as seen in Figures 6 and 9 as the filling port 220 facing the center); and rotating the turntable about the center, to thereby inject said electrolytic solution into the electrolytic solution containing vessel (60). (See col. 2 line 62 to col. 4 line 29; col. 6 line 12 to col. 8 line 40). Since Park teaches utilizing centrifugal force and the filling port 220 facing the center of the turntable (as seen in Figures 6 and 10), wherein the electrolyte feeding apparatus (240) injects electrolyte by way of the filling port 220 (as seen in Figures 5, 8 and 10); therefore it would have been obvious to one skilled in the art to recognize that Park teaches rotating the turntable about the center (as shown by the arrow in Figures 6 and

9), the apparatus of Park injects the electrolytic solution into the electrolytic vessel container (such as battery case 60) by dropping electrolytic solution (from the feeding apparatus) to a location between the center and the opening (or filling port 220) of the electrolytic solution container while rotating the turntable about the center, and the electrolytic solution traveling through the opening into the electrolytic solution container by operation of centrifugal force.

The difference between Park and the instant claims is that the method is for wet-type photoelectric conversion device and the electrolytic solution is injected into a space between a semiconductor electrode with a dye and a counter electrode.

Yamanaka et al. teaches a method of manufacturing a rectangular wet-type photoelectric conversion device (or solar cell), wherein an electrolytic solution (or a redox electrolyte) is injected into a space (6) between a semiconductor electrode (5) comprising a dye and a counter electrode (8) opposed to the semiconductor electrode. (See Figures 1-6, 9-12; paragraphs 0087-0140)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Park by substituting the battery case with an electrolytic solution containing vessel having a shape and an internal size as taught by Yamanaka et al., because a simple substitution of one known element (Park's battery case) for another (Yamanaka et al.'s rectangular electrolytic solution containing vessel or compartment) would achieve the predictable result of injecting electrolytic solution into an electrolytic solution containing vessel.

Response to Arguments

Applicant's arguments filed 12/8/2008 have been fully considered but they are not persuasive.

Applicant argues that none of the references teaches the use of centrifugal force. However, Applicant's argument is not deemed to be persuasive. Park teaches utilizing centrifugal force throughout the reference (See Background of Invention, See Summary of the Invention, and col. 7 lines 23-27)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH-TRUC TRINH whose telephone number is (571)272-6594. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nam X Nguyen/
Supervisory Patent Examiner, Art Unit 1753

TT
1/4/2009